

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

IN THE ELKHART CIRCUIT COURT

CAUSE NO. 20C01-0102-CP-00059

STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
MICHAEL GEORGE HORNE,)
)
Defendant.)

FILED

APR 11 2002

CLERK ELKHART CIRCUIT COURT

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

The Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Justin G. Hazlett, moves the Court for summary judgment in this matter pursuant to Indiana Trial Rule 56 on the grounds that:

1. No genuine factual dispute exists that can prevent the Court from recognizing Plaintiff's foreign judgment and adopting the judgment as its own.
2. No genuine factual dispute exists that the defendant has defaulted upon the judgment and is liable to Plaintiff in the amount of \$51,932.54, plus interest from November 8, 1995, plus \$2,375.00 as costs of the investigation and prosecution to obtain the consent judgment, less \$14,700.00 for weekly payments made through October 26, 1998.
3. The defendant's affirmative defenses are irrelevant, or pose only legal questions that must be resolved by the court in plaintiff's favor.

Plaintiff's arguments are more fully set forth in Plaintiff's accompanying Brief Supporting Summary Judgment.

In support of this motion, Plaintiff designates the following evidence:

- a. Affidavit of David A. Paetzmann.

- b. Consent Judgment (Exhibit A to Complaint on Foreign Judgment).
- c. Letter from Paetzmann to Horne of December 3, 1999 (Exhibit B to Complaint on Foreign Judgment).
- d. Answer.

WHEREFORE, Plaintiff requests that the Court grant summary judgment in its favor, and that the Court grant all other necessary and proper relief in the premises.

Respectfully submitted,

STEVE CARTER
Attorney General of Indiana
Atty. No. 4150-64

By: 


Justin G. Hazlett
Deputy Attorney General
Atty. No. 22046-49

CERTIFICATE OF SERVICE

Service of the foregoing was made by placing a copy of the same into the United States mail, first class postage prepaid, this 11 day of April, 2002, addressed to :

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